

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 14** relates to a detection method, comprising:

detecting of a molecular recognition reaction between a first molecule fixed on a support and a second molecule present in a solution to be tested, **without labeling the first and second molecule**, in which the detection is made by a photothermal method.

In contrast, Adelhelm et al (SPIE (1996) 2629:325-332) fails to disclose or suggest a detection method in which a molecular recognition reaction between a first molecule fixed on a support and a second molecule present in a solution to be tested occurs **without labeling the first and second molecule**.

Adelhelm et al disclose a detection system based on the laser induced photothermal effect for the identification and sensitive determination between nucleic acids and small intercalating **dye molecules** on membrane supports (Adelhelm et al, page 325, last paragraph to page 326, line 1). By this method it is possible to determine hybridization processes between single stranded DNA fragments **when labeling one molecule with a light absorbing chromophoric group**. However, the claimed method in which the first and second molecule are not labeled is not disclosed or suggested.

In addition, Applicants have added **new Claim 39** which is supported by Claims 14 and 15. Claim 15 was not rejected over Adelhelm et al. Thus, new Claim 39 should be allowable.

Therefore, the rejection of Claims 14, 16, 18, 20, 22, 24, 25, 28, 31, 32 and 38 under 35 U.S.C. § 102(b) as anticipated by Adelhelm et al (SPIE (1996) 2629:325-332)) is believed

to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

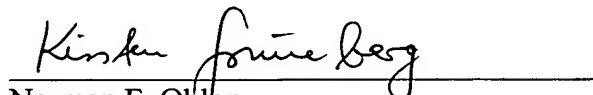
Regarding Ida et al (WO 00/20861 (April 13, 2000)) Applicants wish to note the following. Ida et al published on April 13, 2000. However, the present application was filed March 27, 2002, claiming priority of French application FR 9912229, filed September 30, 1999. Accordingly, the publication date of Ida et al (April 13, 2000) is about 6 month after the filing date of the priority application of the present invention (September 30, 1999). Thus, Ida et al is not available as prior art against the present invention. Applicants hereby submit a Certified English Translation of the French application FR 9912229, thereby perfecting their claim to priority. Thus the remaining rejections in view of Ida et al (WO 00/20861 (April 13, 2000)) are moot.

The rejections of Claims 31, 32 and 38 under 35 U.S.C. §§ 112 and 101, is obviated by the amendment of these Claims.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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